

## II. REMARKS

### A. Status of the Claims

Claims 1-3 were originally filed with the case. Claims 1-3 were rejected in the outstanding Official Action, mailed on November 17, 2004. Claims 1 and 3 are amended and claims 4-7 are added herein. Support for the amendments to claim 1 and for the added claims can be found in the specification at page 14, lines 29-32 and page 15, lines 18-19. No claims are canceled herein. Therefore, claims 1-7 remain pending.

### B. The Claims are Patentable Over Malfroy-Camine and LaHaye

The Action rejects claims 1-3 as being unpatentable over Malfroy-Camine (U.S. Patent No. 6,046,188) and LaHaye (U.S. Patent No. 5,075,116). Malfroy-Camine is said to teach the use of the claimed compounds as antioxidants for the treatment of diseases by acting as a free radical scavenger. The Action acknowledges that Malfroy-Camine lacks a teaching the treatment of macular degeneration, diabetic retinopathy or retinal edema. LaHaye is said to teach the use of free radical scavengers and antioxidants for treating diseases such as macular degeneration. Thus, the Action asserts that it would have been obvious to the skilled artisan to use the claimed compounds for the treatment of macular degeneration. Applicants respectfully traverse.

The present invention is directed to the use of superoxide dismutase mimics, which are large, complex molecules that are complexed with manganese, administered to the eye topically or parenterally, or by ocular injection, to treat AMD, DR, and/or retinal edema. LaHaye discusses the use of a composition of antioxidant vitamins, in the form of a caplet or tablet to be taken orally, to treat macular degeneration. LaHaye does not discuss other

antioxidant compounds, nor does it discuss other routes of administration. There is no suggestion within LaHaye to use anything other than antioxidant vitamins in a caplet or tablet, with minerals, to treat ocular disorders. Malfroy-Camine, on the other hand, discusses only the use of antioxidant salen-transition metal complexes for the treatment of free radical-associated diseases. LaHaye contains no suggestion that antioxidant compounds complexed with transition metals could be administered topically or parenterally to the eye or by ocular injection. The minerals included in the compositions disclosed in LaHaye are not complexed with the antioxidant vitamins.

It is believed that the above arguments, along with the claim amendments, overcome the obviousness rejection. Therefore, Applicants respectfully request that the rejection based on Malfroy-Camine and LaHaye be withdrawn.

**C. Conclusion**

This is submitted to be a complete response to the outstanding Action. Based on the foregoing arguments, the claims are believed to be in condition for allowance; a notice of allowability is therefore respectfully requested.

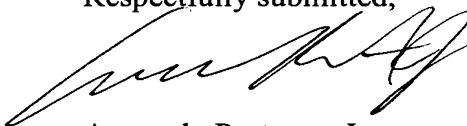
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The Examiner is invited to contact the undersigned attorney at (817) 551-4321 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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